

<p style="text-align: center;"><b>SAMPLE</b> <b>NOTICE OF PROPOSED SUSPENSION OF 14 DAYS OR LESS</b></p>
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[NOTE: All Footnotes and Brackets below contain supervisory instructions and should not be included in the final letter. All letters affecting or proposing disciplinary action should be reviewed by an Employee Relations Specialist prior to issuance. See instructions in Chapter 2 regarding supervisory-maintained personnel records.]

To: Employee Name, Title

From: Supervisor Name, Title

Subject: Notice of Proposed Suspension for \_\_\_\_\_ Calendar Days

This is a notice of proposed disciplinary suspension issued to you for your failure to follow instructions and for your unauthorized absence (AWOL). This action is being proposed in accordance with 5 CFR 752. In order to promote the efficiency of the service, I am proposing to suspend you from duty and pay for a period of \_\_\_\_\_ calendar days at any time after seven (7) calendar days<sup>1</sup> from the date you received this notice.

Specifically, this proposed suspension is based on the following reason(s):

**REASON 1** [State a specific identifiable offense that refers to personal conduct on the part of the employee, i.e., what the employee actually did that was wrong, and, where appropriate, cite the specific conduct standard or office policy or supervisory instruction that was violated. For example:]  
You failed to follow my instructions. Employees are required to carry out the announced policies and programs of the Department and to obey proper requests and directions of supervisors.

[In the following specifications, specifically describe the offense, with reference to times and dates, locations, persons directly involved, and specific acts and actions. It should be evident from reading the specification why the reason has been cited. Examples are:]

**Specification 1** - On March 4, 20\_\_, I instructed you to attend the staff meeting on March 6, 20\_\_, even though I was aware that you did not want to attend. In a memorandum dated March 5, I reiterated that I expected you to attend the meeting. On March 7, when I asked you about the meeting, you informed me that you did not attend the meeting after all because you decided that your attendance was not necessary.

**Specification 2** - In a memo dated December 28, 20\_\_, I instructed the office staff regarding proper leave approval procedures, specifically that if anyone needs to take

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<sup>1</sup> Advance written notice period for a suspension of 14 days or less must be a reasonable period of time that will allow the employee the opportunity to respond orally and/or in writing. The advance notice period may not be less than 24 hours.

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*Exhibit 3E*

unscheduled leave (e.g., sick leave for illness), that I expect them to call the office to speak to me or my acting within 15 minutes of the beginning of their tour-of-duty. On January 7, 20\_\_, you did not call the office to request sick leave until 9:00 a.m., one hour after the beginning of your tour-of-duty, and you did not ask to speak to me. Instead you left a message with the secretary.

**Specification 3** - On January 8, 20\_\_, I reminded you of the requirement to call regarding unscheduled leave. On February 21 you did not call the office until 10:00 a.m., 2 hours after the beginning of your tour-of-duty, and again you left a message with secretary instead of asking to speak to me.

**Specification 4** - [State as many specifications as are necessary. Normally, each individual specification should detail a separate instance of misconduct.]

**REASON 2** [Use as many reasons as there are clearly distinct offenses. Example:] You were absent from duty without authorization.

**Specification 1** - On February 13, 20\_\_, you arrived at work at 9:00 a.m., although your official tour-of-duty begins at 8:00 a.m. Because you were absent from duty without authorization, you were charged with one hour absence without leave (AWOL).

**Specification 2** - Your scheduled lunch period is from 11:30 a.m. to 12:00 p.m. On February 20, 20\_\_, you did not return from lunch until 1:00 p.m. You did not request approval for your absence. Subsequently, you were charged one hour of AWOL.

**Specification . . .** [Continue format.]

[See Exhibit 3G for additional examples of reasons and specifications to include in a proposal letter for misconduct.]

[In cases of off-duty misconduct, the nexus must be stated. Nexus is a description of why and how there is a connection between the specific off-duty misconduct and the efficiency of the Service. As applicable, the connection might be established in terms of publicity or notoriety, the effect on the image of the Service or ability to accomplish the mission of the Service, the effect on the Service's ability to rely on the integrity, honesty or good judgment of the employee, the effect on co-workers (safety concerns, morale, job performance, etc.), and direct applicability to the job.]

This proposed action is being taken to promote the efficiency of the service, specifically, [state nexus] use of unplanned and unapproved leave affects the accomplishment of targets.  
Part A.

[If prior discipline or other aggravating circumstances are present, state:] In proposing this action, I am also taking into account the fact that you were counseled about AWOL and insubordination on October 16, 20\_\_, and received a letter of reprimand for insubordination on November 16, 20\_\_.

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You have the right to review the material relied on to support the reasons in this notice and/or receive a copy of the evidence file, and may request it from \_\_\_\_\_. If you do not fully understand the reasons for the proposed action, I will give you further explanation.

You have a right to answer both personally and in writing and to furnish affidavits and evidence in support of your answer. Concerning your written and/or oral replies, you will not be restricted to matters relating solely to the reasons for proposing this action, but you may plead extenuating circumstances or make any other representations which you consider appropriate. You may also submit such affidavits or other evidence that you wish to have considered in support of your reply. You also have the right to be represented by an attorney or other representative. A representative may be disallowed if the individual's activities as a representative could cause a conflict of interest or position, would give rise to unreasonable costs to the Government, or would conflict with priority work assignments.

If otherwise in an active duty status, you have a right to a reasonable amount of official time to review the material relied on in this matter, to secure affidavits, to prepare an answer and to present the reply. For these purposes, you will be allowed \_\_\_\_ hours of official time. In addition, you will be allowed official time to make an oral reply, if you choose to do so. You should arrange with your supervisor for any use of official time.

Any oral conference that you request will be conducted by Ms. Minnie Jerr<sup>2</sup>, Division Manager for Resources, at the Regional Office. Ms. Jerr<sup>3</sup> will also be the deciding official on this matter. Your written and/or oral reply must be received by Ms. Jerr within five (5) calendar days from the date you receive this letter. If you wish to be heard in person, you must request an oral conference within three (3) calendar days from the date you receive this letter. Any written reply or written request for an oral conference as well as designation of a representative should be addressed to Ms. Jerr, U.S. Fish and Wildlife Service Regional Office, Resources Division, 911 N.E. 11th Ave., Portland, OR 97232-4181. A request for an oral conference can also be directed to Ms. Jerr by telephone on (503) 555-2555.

If you believe that personal, medical, or other problems are reasons for your actions, you may provide documentation of a medical condition or raise these problems in your written and/or oral reply. You may also call the Employee Assistance Program at [telephone number], or myself for assistance. If you wish to provide medical documentation, the Employee Relations Specialist in the Regional Personnel Office at [telephone number] will provide you with information concerning medical documentation requirements.

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<sup>2</sup>The answer to the proposed action must be presented to a higher than the official proposing the action, and the official receiving the answer must have the authority to either make the final decision or effectively recommend actions to the deciding officials.

<sup>3</sup>The deciding official can also serve as the official receiving the oral and/or written reply. See footnote 2.

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If you do not reply within the seven calendar day period allowed for your reply, a decision will be made based on the evidence now available and a letter of decision will be given to you. If you do reply to this notice, a decision will not be made until careful consideration is given to your complete answer, including any timely written and/or oral statements that you may submit. You will be notified in writing of the final decision.

You will be retained in a work status during the advance notice period specified in this letter [for intermittent employees add, if appropriate:]unless workload requirements necessitate placing you in a non-duty status. [For those in non-work status, state:] You will remain in a non-work status during the advance notice period unless workload requirements necessitate recalling you to duty.

If you should have questions regarding your rights or other procedures contained in this notice, please contact the Employee Relations Specialist in the Personnel Office at [telephone number].

Please acknowledge receipt of this letter by signing the attached copy and returning it to me.

Sincerely,

Mr. Soupy R. Visor

[NOTE: On a copy of the letter, type the following for the employee to sign:]

I acknowledge receiving this document.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

*November 2001*